

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Arturo Alarcon-Garcia,)

a.k.a.: Arturo Alarcon,)

(A095 131 988))

Defendant)

Case No. 17-9487 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of October 28, 2017 in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Arturo Alarcon-Garcia, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about July 10, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.

 Complainant's signature

 Darrin J. McNeill,
 Deportation Officer
 Printed name and title

Sworn to before me and signed in my presence.

Date: October 30, 2017

 Judge's signature
City and state: Phoenix, Arizona
 Eileen S. Willett,
 United States Magistrate Judge
 Printed name and title
DOP
10-29-17

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 28, 2017, the Arizona Department of Public Safety (DPS) encountered Arturo Alarcon-Garcia during a traffic stop for unsafe lane usage, at the intersection of Interstate 17 and Adams Street, in Phoenix, Arizona. DPS Officer Casillas suspected Arturo Alarcon-Garcia to be an enforcement priority, illegally present in the United States, and contacted the Phoenix ICE Law Enforcement Agency Response Unit for assistance. ICE Officer H. Kielczewski telephonically interviewed Alarcon-Garcia and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Alarcon-Garcia was transported to the Phoenix ICE office for further investigation and processing. Alarcon-Garcia was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Arturo Alarcon-Garcia to be a citizen of Mexico and a previously deported criminal alien. Alarcon-Garcia was removed from the United States to Mexico at or near Del Rio, Texas, on or about July 10, 2017,

pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Alarcon-Garcia in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Alarcon-Garcia's immigration history was matched to him by electronic fingerprint comparison.

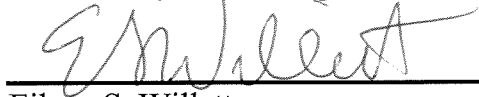
4. Criminal history checks revealed that Arturo Alarcon-Garcia was convicted of Reentry of a Removed Alien, a felony offense, on August 4, 2016, in the United States District Court, District of New Mexico. Alarcon-Garcia was sentenced to eighteen (18) months' imprisonment and three (3) years' supervised release. Alarcon-Garcia's criminal history was matched to him by electronic fingerprint comparison.
5. On October 29, 2017, Arturo Alarcon-Garcia was advised of his constitutional rights. Alarcon-Garcia freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 28, 2017, Arturo Alarcon-Garcia, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about July 10, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 30th day of October, 2017.



Eileen S. Willett,
United States Magistrate Judge